



July 18, 2007

Mr. Mike Riemann  
Becker Morgan Group, Inc.  
309 S. Governors Avenue  
Dover, DE 19904

RE: PLUS review – PLUS 2007-06-06; Cedar Grove Business Campus

Dear Mr. Riemann:

Thank you for meeting with State agency planners on June 27, 2007 to discuss the proposed plans for the Cedar Grove Business Campus project to be located near the intersections of Cedar Grove Road, Plantation Road and Postal Lane near Lewes.

According to the information received, you are seeking rezoning of 5 acres from AR-1 to B-1 for business campus. As of the date of this letter, the size of the buildings and the specific uses had not been determined. Once this is determined, you should contact our office to determine if the site plan meets the criteria to be reviewed through PLUS.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

The following are a complete list of comments received by State agencies:

**Office of State Planning Coordination – Contact: Bryan Hall 739-3090**

The OSPC has no objection to the proposed rezoning of this parcel from AR-1 to B-1 to allow for the permitted use of the proposed medical center and would encourage the applicant to work with Sussex County Planning and Zoning to meet all necessary requirements to ensure compliance with the current 2003 Comprehensive Land Use Plan.

In addition, this office recognizes that the proposed project is within the Environmentally Sensitive District of Sussex County. This office would recommend that the developer work with DNREC to allow for better site design to meet their many environmental concerns within this area as well as to work with DEL-DOT to address their continued concerns regarding traffic within this region as that office continues to plan for the Western Parkway Project. If you have any question please contact my office.

**Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685**

The historic resources at the Division of Historical & Cultural Affairs- State Historic Preservation Office does show that there are two known Cultural Resource Survey (CRS) sites on or with area of where this parcel is located. They are S-995 and S-11548.

S-995 is in reference to a dwelling/house, along with a shed, which was on this parcel at one time, but it was-demolished, and the date demolished is unknown. It is also possibility that there could be prehistoric-period or historic-period archaeological sites still existing on this parcel, or within the area of where this parcel is located.

S-11548 refers to the Ebenezer Cemetery, which is near this particular parcel/property. It is on the East side of Cedar Grove Road just south of Plantations Rd. There is also a plaque located on the site, and it was reference to the site of the Ebenezer Methodist Episcopal Church, which was built in 1822. A new church replaced the original in 1876, and that church was-demolished in 1955. There are approximately 150 head and footstones in the cemetery with the earliest dating to the mid-19th century and the most recent, the 1940s. The majority of the stones are from the 19th and earth 20th centuries. If this development goes forward, they would appreciate the opportunity to document the farmstead prior to any demolition activities. They also request that the developer include sufficient landscaping to protect any nearby historic agricultural properties as much as possible. If you would like to discuss this information or other issues further, you are certainly welcome to contact the Division of Historical & Cultural Affairs at (302) 744-7400 ext.25.

**Department of Transportation – Contact: Bill Brockenbrough 760-2109**

The Bariglio Corporation (Todd Bariglio) seeks to develop an approximately 45,000 square foot general and medical office complex on an approximately 5-acre parcel (Tax Parcel 3-34-12.00-51.00) located on the southwest corner of Cedar Grove Road (Sussex Road 283) and Plantation Road (Sussex Road 275). The land is zoned MR in Sussex County and rezoning to B-1 is needed to permit the proposed development.

On June 20, 2007, we wrote to Sussex County regarding the rezoning application for this project. A copy of our letter is enclosed. As explained in that letter, we would typically require a traffic impact study (TIS) for a commercial rezoning of this size. In this case, however, the developer has offered to realign the east end of Cedar Grove Road opposite Postal Lane, and DelDOT is negotiating with them in this regard. From a previous proposal to develop this site, they already have a plan for the realignment. In DelDOT's estimation, this realignment and a signal agreement for the intersection of Plantation Road, Postal Lane and Cedar Grove Road, would be the main requirement resulting from a TIS anyway. Therefore, if they can successfully complete this negotiation and obtain an adequate commitment to an acceptable realignment and a signal agreement, DelDOT will not require a TIS. In either case, DelDOT will advise Sussex County as to the outcome of our negotiations.

DelDOT has not seen a site plan for the subject development and therefore they have no comments in that regard now.

**The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071**

**Water Supply**

The project information sheets state that water will be provided to the project by connecting to an existing system. Our records indicate that the project is located within the public water service area granted to Tidewater Utilities under Certificate of Public Convenience and Necessity 83-W-15. It is recommended that the developer contact Tidewater Utilities to determine the availability of public water. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. The Division of Water Resources will consider

applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

#### **Sediment and Erosion Control/Stormwater Management**

The Stormwater program has no objection to the rezoning request. However, prior to land disturbing activity greater than 5,000 square feet, and as soon as possible prior to site plan development if possible, the applicant should contact the Sussex Conservation at 302-856-7219 to schedule a pre-application meeting to discuss stormwater management and erosion and sediment control plans. Use of green technology practices and low impact development practices are recommended where feasible.

#### **State Fire Marshal's Office – Contact: Duane Fox 856-5298**

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):

❖ ***This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.***

As a note, applicant was advised at the PLUS meeting that prior to development and specifications and development of the property, the local office of the State Fire Marshal is to be contacted.

Preliminary meetings with Fire Protection Specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: [www.delawarestatefiremarshal.com](http://www.delawarestatefiremarshal.com), technical services link, plan review, applications or brochures.

**Department of Agriculture - Contact: Scott Blaier 698-4500**

The Delaware Department of Agriculture has no objections to the proposed rezoning request. The *Strategies for State Policies and Spending* encourage environmentally responsible development in Investment Level 3 areas.

**Public Service Commission - Contact: Andrea Maucher 739-4247**

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

**Department of Education – Contact: John Marinucci 735-4055**

This proposed development is within the Cape Henlopen School District. This is a commercial/industrial development with no apparent impact on educational infrastructure, capacity or demand. DOE has no comments or objections to this rezoning request.

**Sussex County – Contact: Richard Kautz 855-7878**

Per page 15 of the Comprehensive Plan, "any increased density by rezoning (B-1 allows residential use up to 12 dwelling units per acre) should only be permitted with proper environmental safeguards." Because this project is situated in an Environmentally Sensitive Development Area, the required report should include how this requirement and the PLUS comments have been addressed and how the plan has been revised accordingly.

The Sussex County Engineer Comments:

According to the PLUS application, the proposed project will receive sewer service from a public utility and lists Sussex County as the service provider. However, the proposed project is not located in a Sussex County Sanitary Sewer district and cannot receive sewer service at this time. The parcel is in the future Goslee Creek Planning Area.

The earliest the Goslee Creek Planning Area could receive sewer service is 2015 according to the North Coastal Planning Study.

For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-1299.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script that reads "Constance C. Holland".

Constance C. Holland, AICP  
Director

CC: Sussex County